



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 5, 1992

Mr. Joel Andy Henderson
Senior Assistant City Attorney
City of Odessa
P. O. Box 4398
Odessa, Texas 78760-4398

OR92-189

Dear Mr. Henderson:

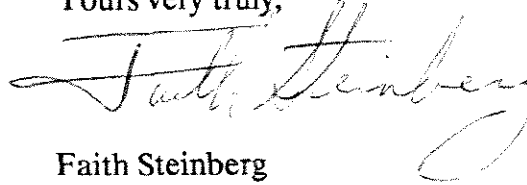
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14374.

You inform us that you have received a request for mug shots of an individual awaiting trial on criminal charges. We have considered the exceptions you claimed, specifically sections 3(a)(8) and 3(a)(3), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 127 (1976), a copy of which is enclosed, resolves your request. See *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. -- Houston, [14th Dist.], 1975), *writ ref'd. n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (holding criminal arrest records, including mug shots, maintained for internal use relating to law enforcement within the section 3(a)(8) exception). For this reason, you may withhold the requested information. Because we may dispose of your request under section 3(a)(8), we need not address your section 3(a)(3) claim at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please

refer to OR92-189.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Faith Steinberg".

Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/lmm

Ref.: ID# 14374
ID# 14488

Enclosure: Open Records Decision No. 127

cc: Ms. Kelly Hunt
KTPX Channel 9
11320 County Road 127 West
P. O. Box 60150
Midland, TX. 79711

Mr. Bob Garcia, Jr.
115 W. 5th St.
Odessa, TX. 79761